

1-1-2000

# Foreword: The Hillside Strangler Trial

Ronald M. George

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## Recommended Citation

Ronald M. George, *Foreword: The Hillside Strangler Trial*, 33 Loy. L.A. L. Rev. 705 (2000).  
Available at: <https://digitalcommons.lmu.edu/llr/vol33/iss2/9>

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# THE HILLSIDE STRANGLER TRIAL

## FOREWORD

*Chief Justice Ronald M. George\**

Although the Hillside Strangler trial took place nearly two decades ago, it at times seems to have a life of its own, resurfacing from time to time in books, magazine articles, and television dramas and documentaries. As the trial judge in this lengthy proceeding, I know from first-hand experience that this indeed was a trial of considerable magnitude and impact. Beyond the defendant, who was most visible in the courtroom, the case affected scores of individuals and their families: the victims and those close to them, those involved in the investigative stages—including law enforcement and forensic experts, and the primary courtroom participants—the attorneys, the jurors, the approximately 400 witnesses, and the court staff. All of them gave much, and sacrificed much, during this two-year ordeal.

What makes the trial so memorable, however, is not just its length and complexity, or the novel legal issues that regularly arose like hazards encountered in a minefield, or the remarkable stories that were sprinkled through months of often tedious testimony. What is most significant to me about this case is how, against all odds, our legal system ran its course—and worked, as it was intended to. That this is so is due largely to the skill and character of the advocates whose devotion to the cause of justice, reflected in their respective roles as prosecutor and defense counsel in this case, exemplifies the finest traditions of public service in our profession.

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\* Chief Justice of the California Supreme Court.



## THE HILLSIDE STRANGLER TRIAL

*Justice Roger W. Boren\**

In the early winter of 1977, Kenneth Bianchi courteously and protectively walked a co-worker to her car in a dark Universal City parking lot situated below Hollywood's Universal Studios. The young woman later told police that, as they neared her car, Bianchi ominously remarked: "I could be the Hillside Strangler and you would never know it." Two years later, Bianchi was arrested in Bellingham, Washington, and identified in the media as the Hillside Strangler.

Two and one-half years after Bianchi's arrest, I, as a deputy attorney general, was suddenly thrust into the case of *People v. Buono*, then pending in the Los Angeles Superior Court. During the course of the two-year trial that followed, Fridays and weekends were often a whirlwind of activity. The other attorneys and I used these breaks in the trial action to conduct follow-up witness interviews, prepare for the next week's witnesses, and dictate summaries of the previous week's testimony. In the middle of the trial, co-prosecutor Michael Nash, trial investigator Paul J. Tulleners,<sup>1</sup> and I made a cold contact on a Friday afternoon with a minor-league underworld figure living in Eagle Rock. The witness had been Angelo Buono's partner in small business activities, both legal and illegal. The figure told us that Buono once remarked to him: "You never know what a guy does at night."

A network television reporter remarked to me during one of the jury excursions in the Buono trial that the "Hillside Strangler" should have been called the "Glendale Strangler." All of the Hillside Strangler murders were committed at night. Four of the victims were abducted from Hollywood, five from in or around Glendale, and one

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\* Presiding Justice, California Court of Appeal, Second Appellate District, Division Two.

1. Paul J. Tulleners was a special agent of the California Department of Justice.

from the San Fernando Valley. But, as I demonstrated during final argument, one could draw a circle around Glendale using the intersection of Glendale Avenue and Colorado Street as its center, and within that circle roughly locate all of the sites where the victims' bodies were discovered. Each of these body "dumpsites"—as the homicide detectives referred to them—was conveniently accessible from that central intersection via major surface streets and the Golden State Freeway.

The last of the ten known Hillside Strangler victims, Cindy Hudspeth, was last seen at the intersection of Glendale and Colorado. Right after Cindy's murder, the police displayed, at that intersection, pictures of the murder victims, hoping the public would come forth with new leads. The television reporter described to me how he realized that all of the Hillside Strangler victims' bodies had been found at locations surrounding Glendale. The thought occurred to him, at that time, that the killer was very nearby. As it turned out, Angelo Buono's home and automobile upholstery shop were a block and half away at 703 East Colorado Street. After his plea bargain in Washington, Kenneth Bianchi, the younger half of the Hillside Strangler duo, told investigators that Buono's house on Colorado was where he and Buono had slain nine of the ten victims.

On a hazy December night in 1982, Judge Ronald M. George, the trial judge and now the Chief Justice of California, convened the Angelo Buono trial on a narrow, secluded road overlooking the Golden State Freeway at its Stadium Way off-ramp.<sup>2</sup> The bailiff, Deputy Sheriff Jerry Cunningham, led the jurors to the scene from the two sheriff vans in which they arrived. They gazed at the dark hillside below where Bianchi and Buono had tossed the strangled bodies of two teenage girls, Sonja Johnson and Delores Cepeda, in November 1977. Buono and Bianchi abducted the girls after following them from the Eagle Rock Shopping Plaza as they rode on a bus toward their homes. About a week after the girls' deaths, young boys playing in the deserted area found the bodies lying among discarded mattresses and other junk, initially thinking they were mannequins.

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2. This desolate vista is located on Landa Street, which intersects at the bottom of the hill with Stadium Way at its juncture with the Golden State Freeway. Stadium Way leads through Elysian Park to Dodger Stadium.

Deputy Cunningham told the jurors to observe a police helicopter flying two miles north above the southbound Golden State Freeway. The helicopter hovered above the southbound freeway off-ramp to Los Feliz Boulevard where the body of another Hillside Strangler victim, Jane King, had been found. The helicopter activated its spotlight to illuminate this location and then other locations visible to the jurors from the vista point on which they stood. Nash and I stood behind the jurors with the two defense attorneys and the Hillside Strangler Task Force homicide detectives and watched the helicopter expectantly. Buono had waived his right to be present. We hoped the spotlight would serve as a giant pointer in the sky to educate the jurors further about the geographic interrelationship of these various sites. Our hopes were dimmed considerably by the haze in the sky that night. The mist diffused the helicopter's light so much that the air activity was almost meaningless. Even so, the actual viewing of the remote Landa Street dumpsite was probably educational for the jury.

During the two-week period in which Judge George ordered jury views to be conducted, the jurors were taken out on several nights in the sheriff vans. They were driven from the locations where the victims had been abducted to Buono's Glendale house and then to the locations where the victims' bodies had been found. A news media caravan followed at a respectful, court-ordered distance. Such a procession was repeated for each murder, usually two a night. Most of the jurors saw more of nighttime Hollywood and Glendale at that time than they would probably ever see again. The jury views provided all of us with a welcome break from what had become a somewhat monotonous and grinding trial routine. More importantly, the jury views vividly illuminated for the jurors the geographical connections in the case.

These excursions were not the only unusual aspects of the Buono trial. A number of curious factors set the Hillside Strangler trial apart from other notorious trials in Los Angeles. One factor was the length of the trial. The trial began on November 16, 1981, and ended on November 18, 1983. It remains the longest murder trial in United States history, lasting two years and two days. Kenneth Bianchi occupied the witness stand for approximately six months; his cross-examination alone spanned four months.

It is often asked why the trial lasted so long. The trial began with an estimate that it would last approximately a year. A number of factors can explain why the trial lasted longer than anticipated. The ten murders committed on nine different occasions were connected by numerous, yet sometimes subtle, *modus operandi* characteristics. For the most part, the body of each victim bore the same telltale ligature marks on the neck, wrists, and ankles. The killers deposited each body, nude and devoid of identification, in remote locations near hillsides in or around Glendale. One pathologist performed the autopsy on seven of the bodies and two other pathologists performed the remaining autopsies. Each pathologist testified to confirm the distinctive mode of strangulation, the similarity of the ligature marks, and the indications of sexual assault.

Because the bodies were not all dumped in the same police jurisdiction, different departments handled the crime scenes. The Los Angeles Police Department ("LAPD") performed the crime scene investigations for the first and fourth through ninth murders: Yolanda Washington, Jane King, Sonja Johnson, Delores Cepeda, Kristina Weckler, Lauren Wagner, and Kimberly Martin. The Los Angeles County Sheriff's Department investigated the crime scenes for the second and the last murders, Judy Miller and Cindy Hudspeth, and the Glendale Police Department handled the crime scene for the murder of Lissa Kastin, the third victim.

Another remarkable aspect was the trial's connection with Los Angeles and California politics. After the arrests of Bianchi and Buono, it became known that the two had engaged in pimping and pandering activities using teenage prostitutes who were runaways from Arizona. These out-call prostitution activities involved a number of prominent businessmen and a former police chief. Before Bianchi and Buono were apprehended, investigators believed that the Hillside Stranglers were using some sort of police ruse involving badges and handcuffs. Evidence that both Buono and Bianchi had police badges was plentiful. The investigation after Bianchi's arrest also revealed that an aide to a Los Angeles County Supervisor had provided Bianchi with a large official county seal that could be used for special automobile parking and other privileges.

A couple of months before the scheduled trial date, the district attorney's office moved to dismiss the entire murder case against

Buono after Judge George granted a defense motion to sever the prostitution and sexual assault charges from the murder charges. The foundation of the district attorney's motion was Bianchi's recanting of his own responsibility for the Hillside Strangler murders, despite his recorded confessions and guilty pleas. Judge George denied the motion to dismiss. As a result, District Attorney John Van De Kamp declared a conflict of interest because his deputies had stated that their key witness, Kenneth Bianchi, was devoid of credibility. Attorney General George Deukmejian then assigned Nash and me to proceed with the case.

The year 1982 was an election year in California. While the events of the Hillside Strangler trial unfolded, California elected George Deukmejian as its Governor and John Van De Kamp as its Attorney General. Van De Kamp was once again, at least technically, the overseer of the Hillside Strangler trial despite his abandonment of it just a year and a half earlier. Robert Philibosian had been Deukmejian's Chief Assistant Attorney General over the Criminal Division and my immediate supervisor for the Buono case. When Van De Kamp succeeded Deukmejian as Attorney General, the Los Angeles County Board of Supervisors appointed Philibosian District Attorney as Van De Kamp's successor.<sup>3</sup>

The media's interest in the case was intermittently intense. Judge George allowed the media to place a "pool" still camera, appropriately soundproofed, in the courtroom each day. However, most of the media contact took place in the corridors of the Criminal Courts Building in downtown Los Angeles.

The length of the Buono trial and its occasional tedium meant media reporters had to occasionally find more interesting news elsewhere. The Buono trial had competition on the fifteenth floor from the trials of other serial murderers. The trial of the "Sunset Killer," Douglas Clark, was taking place directly across the hall from the Hillside Strangler courtroom.<sup>4</sup> Douglas Clark, assisted by his friend

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3. Philibosian was unable to capitalize on the appointment, however, as he lost the next general election to Ira Reiner. The Buono case was also a factor in Van De Kamp's defeat in his 1990 campaign for governor.

4. *See* *People v. Clark*, 3 Cal. 4th 41, 833 P.2d 561, 10 Cal. Rptr. 2d 554 (1992). The Buono trial became connected to the trial of the Sunset Killer through the machinations of a woman named Veronica Compton, known as the "Copycat Strangler." She tried to assist Bianchi, with whom she had become



Carol Bundy, a nurse, killed several prostitutes in a particularly perverse fashion. He decapitated one victim and kept her head in his freezer at home, removing it from time to time for necrophiliac activities.<sup>5</sup> At the other end of the fifteenth floor corridor William Bonin, the "Freeway Strangler," was being tried for strangling numerous young men and dumping their bodies along freeways.<sup>6</sup> The other trials had long concluded by the time the jury reached its verdicts in the Buono trial.

After about three months of jury selection, Nash and I spent four months presenting evidence that detailed the facts of the ten murders and the astounding background of Kenneth Bianchi. We did not present much evidence against Angelo Buono during that period. Mainly, we wanted the jurors to hear all the bad news about Bianchi, our key witness, before he took the witness stand. When Bianchi stepped to the stand on a June morning in 1982, the courtroom was again standing room only. Nash asked Bianchi if he was "involved in the murders" of the ten Hillside Strangler victims. Bianchi replied that he did not know. By that afternoon, Bianchi backtracked and stated that he believed he was involved with Buono in the murders but could only remember "bits and pieces."

After four weeks of direct examination of Bianchi, Gerald Chaleff,<sup>7</sup> Buono's lead defense attorney, began a relentless and withering cross-examination. Chaleff confronted Bianchi with every lie, misdeed, and fraud of Bianchi's shadowy life. Bianchi had not only been a pimp and a panderer, as had Buono, but also a student of police science, a failed police applicant, and a security guard. He had also falsely represented himself in various failed schemes as a

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enamored, by smuggling samples of his pubic hair and semen out of the Los Angeles County Men's Central Jail in the binding of a book. She then flew to Washington and failed in a bizarre attempt to strangle a young woman. After her arrest she became friends with Carol Bundy in the Los Angeles County Women's Jail, the Sybil Brand Institute, and began a correspondence with Clark, receiving from him photographs of girls' dead bodies and exchanging with him fantasies about necrophiliac activities. She testified in the defense portion of the Buono trial.

5. See *id.* at 86, 833 P.2d at 580, 10 Cal. Rptr. 2d at 573.

6. See *People v. Bonin*, 46 Cal. 3d 659, 758 P.2d 1217, 250 Cal. Rptr. 687 (1988). Bonin has since been executed.

7. Chaleff recently became the president of the City of Los Angeles Police Commission.

psychologist, a marriage counselor, a sex counselor, a movie talent scout, and a professional photographer. After leaving Los Angeles, Bianchi had strangled two college coeds to death in Bellingham, Washington, and had been arrested for those crimes almost within an hour after the victims' bodies were located.

Dean Brett, Bianchi's Washington attorney, strained to find a mental defense for Bianchi, as Bianchi was facing a certain conviction in Bellingham on the facts. This effort led to a psychologist's purported use of hypnosis to unlock Bianchi's multiple personalities. Bianchi displayed, at the psychologist's bidding, two personalities: "Ken," the courteous nice guy, and "Steve," the rude, crude, calculating murderer. Other assorted personalities emerged later, including "Billy," Bianchi in boy form. Eventually five additional forensic psychiatrists examined Bianchi, some finding that Bianchi was faking both hypnosis and the multiple personalities. All of these examinations were videotaped, providing great fodder for television and considerable grist for the courtroom.

After entering into a plea agreement, Bianchi spent a week being interviewed by Hillside Strangler Task Force investigators<sup>8</sup> concerning each of the murders in Los Angeles and Buono's involvement. These interviews were also tape-recorded. The transcripts of these psychiatric examinations and police interviews filled numerous three-ring binders. The Hillside Strangler murders had been committed over a period from October 17, 1977, to February 16, 1978. Thus, Chaleff had an overload of raw material for cross-examination. His cross of Bianchi endured for four months.

I worried about the possibility that Chaleff might forego cross-examination of Bianchi in a calculated gesture to the jury and just announce upon the conclusion of direct examination: "No questions!" But Chaleff's cross-examination of Bianchi was massive and left no stone unturned. It was mostly devoid of drama. Sometimes it was plain boring, although still effective. I frequently withdrew from the courtroom during Bianchi's cross to prepare or coordinate other matters. The spectator section of the courtroom was mostly empty during the cross-examination; sometimes only the still photographer

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8. These homicide detectives were from the LAPD, the Los Angeles County Sheriff's Department, and the Glendale Police Department.

remained. Even the court watchers, a colorful and friendly group of persons who frequented the courtrooms of the Criminal Courts Building in search of a superior substitute for soap operas, deserted the Hillside Strangler trial for the entertainment to be found elsewhere on the fifteenth floor.

Bianchi's performance during cross-examination had a certain daily rhythm to it. In the mornings he was earnest and alert. By the 3:00 p.m. recess he appeared listless and would lean into the microphone with his head bowed. Before these recesses he often seemed mentally exhausted and mumbled prevarications would dribble from his mouth. The bailiff removed Bianchi to a vacant jury room or sometimes to nearby empty chambers during the afternoon recesses.<sup>9</sup> Bianchi's Los Angeles attorney, Deputy Public Defender Alan Simon, Special Agent Tulleners, and I accompanied Bianchi and the bailiff. Rarely was anything pertaining to the trial discussed during these recesses; Bianchi drank juice, provided by Simon, and engaged in small talk concerning TV, books, and other mundane subjects. Only a little over an hour usually remained for further cross-examination after these recesses. Normally, the recess revived Bianchi's spirits somewhat, and he would muddle through until the evening recess. No multiple personalities otherwise appeared during the trial.

One afternoon Chaleff was cross-examining Bianchi regarding the pubic area of one of the victims. At that point, a group of uniformed young girls from a parochial school entered the courtroom as part of a civics field trip. Bianchi, a serial killer of many young women, appeared to become tongue-tied and urged Chaleff to drop the subject while the students were in the courtroom. Chaleff sarcastically continued despite Bianchi's possibly feigned reticence.

The trial offered character witnesses, as well as a bizarre array of characters as witnesses. Three of the victims were Hollywood prostitutes, Hollywood was the location of several of the abductions, and other facets of the case involved Hollywood; thus, a number of the witnesses were street people from the Hollywood scene. Among these were several prostitutes and at least one self-proclaimed witch

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9. Because Buono occupied the courtroom lockup, Bianchi had to be secured elsewhere.

who fixed the date she last saw a victim by reference to the meeting of her local witches' coven.

Actual eyewitnesses to the abductions were few, and for the most part their testimony was doomed so far as the prosecution was concerned. Markust Camden was one of the Hollywood street people. He was an occasional bounty hunter, a pimp, and a self-proclaimed martial arts expert. He regularly toured America's freeways accompanied by a teenage prostitute who serviced truck drivers at truck stops throughout the heartland of America. The truck drivers in turn provided Markust and his companion with interstate transportation.

Markust was apparently acting as the pimp of fifteen-year-old Judy Miller, the second of the Hillside Strangler victims, on the night she was abducted in Hollywood. According to Markust's 1982 testimony, Judy and he walked to Carney's hot dog restaurant on Sunset Boulevard around midnight. In his initial testimony, Markust described how Judy stood at the curb in front of Carney's making herself available to passing cars. She entered an older Cadillac limousine driven by a man Markust identified as Buono. The Cadillac drove eastbound on Sunset Boulevard and turned right onto a side street. Markust never saw Judy again.

In 1983, on a motion to dismiss for prosecutorial misconduct, Katherine Mader,<sup>10</sup> Buono's other defense attorney, presented evidence that Markust had been released from a mental hospital in Indiana just two days before sheriff's homicide investigators flew him to Los Angeles, where he identified Buono from photographs. After presentation of evidence that I had not known about the mental hospital, and thus had not intentionally withheld the information, Judge George denied the motion to dismiss. However, he permitted the defense to recall Markust as a witness and present to the jury evidence about his commitment to the mental hospital. The jury heard tapes Mader had surreptitiously recorded of telephone calls in which Markust indicated to her that he might be willing to recant his testimony. He expressed anger at the sheriff's homicide detectives because they

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10. After the trial, Katherine Mader became a deputy district attorney in Los Angeles. More recently, she completed a stint as LAPD's Inspector General.

would not assist him in locating his latest freeway flyer, Sharon, who had run away from him.

We were able to corroborate Markust's testimony regarding Judy Miller's abduction in certain respects. His account that Judy entered the car driven by Buono at Carney's and was driven east-bound on Sunset and then right onto a side street matched Bianchi's account. However, it differed in a significant and, for the prosecution, crucial, respect. Bianchi adamantly claimed that, as to seven of the murder abductions, including Judy Miller's, he and Buono used Bianchi's own Cadillac.

Task Force investigators nonetheless believed that Buono and Bianchi committed the crimes using various cars left in Buono's custody by his upholstery customers. After flying Markust to Los Angeles in April 1979, the sheriff's homicide detectives showed Markust photographs of Bianchi's four-door Cadillac sedan. Markust vehemently refused to identify that Cadillac and repeated his earlier account that the abduction car was an older Cadillac limousine, which was obviously not Bianchi's car. A photograph given to me by Bianchi's mother depicted Bianchi posing in front of Buono's house and shop. In the background of the photograph, a Cadillac limousine, similar to that described by Markust, was parked on the premises. Other witnesses also placed such a limousine there.

When homicide investigators brought Markust back to Los Angeles in April 1979, three months after Bianchi's arrest and months before Buono's arrest, Bianchi's likeness had been spread across the nation in periodicals and on television. Buono's had not. Investigators showed Markust two separate six-packs, a set of photographs displaying six mugshots each. In each of these six-packs, one of the photographs was of Bianchi. Markust picked none of the photos. Investigators then showed him a six-pack containing Buono's mug shot in the number two position. Markust immediately identified Buono, exclaiming: "That's your man, guys."

The revelation about Markust's residency in the mental hospital placed Nash and me in the position of telling the jury that our two key eyewitnesses in the Judy Miller murder—Bianchi and Markust—might be mental cases but they had not been shown to be collusive, psychic, or clairvoyant. Fortunately, we had other evidence to corroborate both Markust and Bianchi.

Sheriff's investigators had collected a white polyester fiber found on Judy Miller's eye. The fiber matched upholstery material found in Buono's shop. Bianchi told how he and Buono used similar material to blindfold their manacled victims. Before his arrest, Buono had denied being in La Crescenta with Bianchi. Yet, Judy Miller's body was discovered on a remote La Crescenta street directly across from the house of a teenage girl with whom Buono had had an illicit relationship. The girl and her friends, while well acquainted with Buono, never met Bianchi. Bianchi told police that Buono remarked about the girl's house when they dumped Judy Miller's body.

To corroborate Bianchi's homicidal partnership with Buono and the pair's use of police ruses, we presented testimony about abduction attempts that Buono and Bianchi had aborted. Bianchi described only one of these incidents in his pre-plea interviews. Bianchi told investigators about an incident involving late film actor Peter Lorre's daughter. Investigators later located and then interviewed Cathy Lorre. The young woman described in much the same fashion as Bianchi how she was crossing the street near the intersection of Hollywood Boulevard and Highland Avenue in Hollywood when Buono and Bianchi accosted her. The two men displayed police badges and asked to see Lorre's identification. Then, for some reason, they let her go. Bianchi was unclear or inconsistent about why the men released her. Bianchi indicated that the reason stemmed either from her father's Hollywood celebrity—they saw a photo in Lorre's wallet depicting her on her father's lap—or Cathy's physical appearance.

Prior to trial, Nash and I had planned to use Lorre as a concluding witness in our case-in-chief. However, someone suggested that Chaleff might be able to severely impeach her credibility. We therefore positioned her in the middle of the post-Bianchi witnesses. This turned out to be fortuitous, as Chaleff undermined Cathy Lorre's general credibility even though it appeared highly unlikely that she could have made up the story to match Bianchi's account.

Instead of using Lorre to conclude our case-in-chief, we concluded with evidence of another aborted abduction. This one took place in North Hollywood on February 16, 1978, the very day that Cindy Hudspeth, the last victim, was killed. Jan Simms, a grandmother, was driving her station wagon north of the Ventura Freeway

trying to find her way to Riverside Drive. She saw a man on a sidewalk struggling with a young blond woman. The man was gripping the woman by her wrists and trying to pull her toward a tan Excalibur or Excalibur-like sports car.<sup>11</sup> Simms later identified the man on the sidewalk as Bianchi and the driver of the Excalibur as Buono. Simms intervened and told the young woman to get into Simms's station wagon, and she did. Bianchi curiously stated to Simms, "God will get you for this." Buono gave her a very harsh look. The woman insisted on getting out at a nearby bus stop and Simms went directly to the North Hollywood police station to report the incident. Her report, and subsequent interview by a motorcycle officer temporarily assigned to clue investigation, became one of 10,000 clues in the Hillside Strangler Task Force database.

Simms revealed two additional related incidents. Shortly before the incident on the street with the young woman, Simms saw the same or a similar Excalibur parked in front of Buono's house and shop as she drove to work in Glendale. She had also previously come into contact with Bianchi at a bank building at Riverside Drive and Lankershim Boulevard, where Bianchi borrowed an office to pose as a psychologist. We presented evidence from other acquaintances of Buono who had also seen an Excalibur at Buono's place on Colorado. Nash and I believed that, if Simms's testimony was incorrect, the defense would show that Buono had at one time possessed an Excalibur but did not have possession of it on February 16, 1978. The defense presented no such evidence.

After the trial I learned that Buono had in fact built a "kit" car resembling an Excalibur. Because it was a do-it-yourself custom manufacture, the car was never registered, thus thwarting investigators' attempts to locate the car through vehicle record checks in California and Nevada. Buono also garaged it away from his home and business.

Eyewitness testimony was obviously at a premium in Buono's trial, and its paucity and frailties made corroboration the real name of the game. This situation was exacerbated when the testimony of two

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11. An Excalibur is a specially manufactured custom vehicle that resembles a 1930s Dusenbury sports car.

other abduction eyewitnesses was lost in anticipation of a decision in a case then pending before the California Supreme Court.

Throughout the investigation of the Hillside Strangler case, the LAPD utilized hypnosis to extract details from the memories of eyewitnesses. However, as trial approached, the supreme court was considering whether hypnotic techniques were so likely to alter a witness's memories as to prevent meaningful cross-examination. Correctly anticipating the California Supreme Court's decision in *People v. Shirley*,<sup>12</sup> Judge George took the position that, where witnesses had been hypnotized concerning the subject matter of their proposed testimony, their testimony must be excluded.<sup>13</sup> Prior to the trial, Judge George conducted a month-long hearing concerning hypnotized witnesses, including Kenneth Bianchi. At the conclusion of the hearing, Judge George ruled that Bianchi had faked being hypnotized and would be permitted to testify for the prosecution as planned. He also found that, while police had attempted to hypnotize Beulah Stofer, an eyewitness to the abduction of victim Lauren Wagner, Stofer had not in fact been hypnotized and could testify. However, the judge found that other witnesses had been hypnotized, and this precluded their testifying.

One witness whose testimony was precluded was Stofer's neighbor. At the same time that Stofer was watching the abduction, the neighbor also watched from her home as two men forcibly transferred Lauren Wagner from her Ford Mustang to a larger, dark-colored vehicle. Without the neighbor's testimony, that left only Stofer to testify about the abduction. Stofer's testimony left investigators with the impression that the abduction resembled a police arrest. After Lauren Wagner's murder, young women in Los Angeles became anxious and wary about submitting to police stops, fearing they could become the next victim of the Hillside Strangers. At that time, news accounts suggested the possibility that the "Hillside Strangler" was really two men who were either rogue cops or police impersonators.

Despite the loss of Stofer's neighbor as a witness and some weakness in Stofer's testimony, the Lauren Wagner murder was our

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12. 31 Cal. 3d 18, 641 P.2d 775, 181 Cal. Rptr. 243 (1982).

13. In 1984, the legislature codified a modified version of the procedures set forth in *People v. Shirley*. See CAL. EVID. CODE § 795 (West 1999).



strongest count. The jurors obviously saw it the same way, as they brought in their first guilty verdict on that count. The strength of that count was the fiber evidence. Bianchi described to police how he and Buono taped electrical wires to Lauren's hands, attempting to electrocute her before strangling her to death. Investigators kept from news reporters the fact that Lauren's palms bore electrical burns; this and other secrets enabled the detectives to verify the validity of any confession such as Bianchi's. Though Buono and Bianchi removed the tape they used to attach the wires to Lauren Wagner's palms before dumping her body on Mount Washington, the tape had left adhesive material on her wrists. To this adhesive clung nylon and acrylic fibers. Forensic experts matched the fibers on Lauren's wrist to fiber samples from a particular chair in Buono's living room and from carpet in one of Buono's bedrooms. Bianchi told investigators that he and Buono placed the victims, including Lauren, in that particular chair and then assaulted and strangled them on the bedroom floor. This additional corroboration of Bianchi was crucial to Buono's conviction.

Other evidence relating to Buono's house corroborated Bianchi's testimony. We proved that Buono purchased a length of flexible gas pipe and that, after Bianchi's arrest, Buono destroyed the pipe and the petcock to which the pipe was connected. This consciousness of guilt evidence demonstrated the truthfulness of Bianchi's statement to police that he and Buono tried to asphyxiate another victim, Kristina Weckler, by using natural gas. The alteration of the gas connection was one of the evidentiary items noticed when investigators in October 1979 searched Buono's house for the second time. During the first search, in April 1979, investigators found that the interior had been so carefully cleaned that not a single fingerprint could be found, not even one of Buono's.

Ronald LeMieux was another hypnotized witness who observed an abduction that resembled a police arrest of a young female. LeMieux, a Los Angeles criminal defense attorney and former professional football player, witnessed the abduction of the first victim, Yolanda Washington, in October 1977. LeMieux, however, did not surface as a witness until after he had seen news photographs relating to Bianchi's January 1979 arrest in Bellingham, Washington. In the fall of 1977, LeMieux owned a Hollywood music store located at

Sunset and Detroit that sold organs. Police subjected LeMieux to hypnosis. He told police that Bianchi appeared to be the man he saw handcuff a black prostitute late at night and place her in the back seat of a car driven by another man. At the time of the incident, LeMieux had not thought much about it because vice arrests of prostitutes were common in that area of Sunset Boulevard.

After hypnotizing and interviewing LeMieux, investigators were able to tie down the date of the incident LeMieux described. LeMieux and an auditor had conducted some accounting work late on the night of the incident, and he called his security service to set the alarms at an unusual time. The security company records confirmed that LeMieux's observation occurred on the night Yolanda Washington was abducted. Moreover, Yolanda's pimp testified that he last saw Yolanda walking eastbound on Sunset toward Detroit. Finally, LAPD vice records indicated that no vice arrests were made in that area of Sunset Boulevard on that night.

At trial, Judge George ruled that LeMieux's testimony had to be excluded because he had been hypnotized. Chaleff also emphasized that some of the details of LeMieux's account only emerged after he was hypnotized. While I regretted the loss of another witness, Nash and I took it in stride because LeMieux's account was at odds with Bianchi's account of Yolanda Washington's abduction.

As a result, LeMieux was essentially forgotten until late in our prosecution case, after Bianchi concluded his testimony. During this latter stage of the trial, we offered evidence that directly focused on Buono's guilt. Several prosecution witnesses, including Buono's sons, testified about Buono's possession of a police badge and his delight in going into Hollywood—sometimes accompanied by his eldest son and some of his friends—to harass prostitutes by soliciting them and then producing a badge.

Another such witness was "Artie Ford," whose real name was Ralph Harper. Ford was a movie actor in his late forties or early fifties. At one time he had been Buono's friend and companion, living with him in a Hollywood hotel and then in a house in the Los Feliz district. Ford described what appeared to be a bisexual relationship between the two—he remarked to me about Buono, "I loved him." On the witness stand, he described Buono's behavior in terms both favorable and unfavorable to Buono. Additionally, Ford explained

that he had given Buono a police badge Ford found after a vice officer dropped it during a bar raid. He described a later incident in which Buono harassed a prostitute on Sunset Boulevard by displaying a badge after first engaging her in a solicitation. In front of the jury, I asked Ford where this incident occurred. Ford replied that it happened near the front of an organ store located near the intersection of Sunset and La Brea. LeMieux's organ store was located one block west of La Brea, on Sunset. Judge George immediately made eye contact with the other attorneys and me, as Ford had never been asked before to pinpoint where on Sunset this incident happened. The jurors, of course, only partially perceived the significance of this answer and how it related to Yolanda Washington's murder. They had never heard of Ronald LeMieux. The jurors convicted Buono of nine of the Hillside Strangler murders but not of the murder of Yolanda Washington; they had only heard Bianchi's account of that abduction.

The crime scene investigations were crucial in determining whether one or two men were involved. The defense sought to show that Bianchi acted alone, and that Bianchi implicated Buono in order to obtain a plea bargain to escape the death penalty. Thus, lengthy examinations of the detectives ensued as they detailed how the bodies had been flung or carefully placed after being transported in car trunks. We painstakingly offered evidence about the positions of the bodies and the lack of shoe prints on the non-paved surfaces to prove that two persons carried and then flung the bodies.

However, the jurors had the most difficulty regarding the one count that seemed to be a sure-fire two-person killing. Cindy Hudspeth's body was placed in the trunk of her small Datsun and driven 4.3 miles up Angeles Crest highway. There the killers pushed the car off a cliff. Even without the prosecution's eyewitness who saw the Datsun driving in tandem with another car up that highway the night of the murder, it seemed logical to conclude that there had to be a second car and thus a second driver. The highway had considerable traffic and was patrolled regularly. Therefore, it was unlikely that the deed was done in broad daylight or that a car was left at the scene in advance of the return trip. A car parked on the narrow shoulder would have been conspicuous. If this murder was the work of only

one person, the car could have been left with the body in the trunk at a much more convenient location.

A defense investigator, however, told the jury that he walked down the highway in a reasonable time and was able to catch a bus on Foothill Boulevard. Nonetheless, the investigator did this at mid-day, something that was highly unlikely for a murderer to have done. In final argument, the defense suggested that the killer might have placed a bicycle in the back seat of the Datsun. As it turned out, the Cindy Hudspeth murder count was the ninth and last guilty verdict the jurors reached, but it was delayed a week while the jurors looked at photographs of the small Datsun. They debated, and then finally concluded, that a bicycle was improbable.

Apart from the volume of material and the bizarre history of Bianchi, including the murders in Bellingham, another reason the presentation of evidence in the trial took so long was the breadth of the Hillside Strangler investigation in general. The murders had become a media sensation in November and December of 1977. To respond to public concern, police authorities combined resources to form the Hillside Strangler Task Force. They solicited, collected, and more or less investigated "clues" telephoned in by the public. These clues were stored both in file cabinets and in a computer system. The computer system itself was essentially a storage device only; it held 10,000 clues but had no analytic capability. If the computer had such capability, for example, to highlight names entered more than once as a clue, it could have greatly assisted the conclusion of the investigation. Only after Bianchi's arrest was it learned that Bianchi's name had been telephoned into the Task Force three times. Aside from the clue file and its related investigations—often conducted by rank and file officers transferred from general patrol—the police also vainly investigated numerous other criminal or suspicious activities thought to have a possible connection to the Hillside Strangler. These investigations provided additional volumes of evidentiary material that Buono's defense used to distract the jury from Buono or Bianchi or, in some cases, to associate Bianchi with another possible co-conspirator.

The mass of evidence presented to the jury generated the last facet of this lengthy trial: the final arguments presented to the jury from August 1983 through October 1983. Despite having the direct

evidence of the eyewitness testimony of Bianchi—accomplice testimony—the trial essentially rested on a wealth of circumstantial evidence. We presented evidence in almost all categories: crime scene facts, psychiatric and forensic evidence, and extensive prior acts evidence. As a result, the arguments were equally lengthy, involving a voluminous number of charts, diagrams, and maps, and requiring lengthy discourses to marshal all the diverse evidence.

As a result of the long trial, the jurors and the attorneys became well acquainted with each other despite the legal barrier that separated them. Although the jurors never conversed with the attorneys except officially during voir dire, the attorneys became adept at gauging jurors' moods and reactions by reference to their body language and facial expressions. The jurors were not sequestered until deliberations began, and by then they were like family, celebrating birthdays for each juror twice during the course of the trial. Some even traveled together on weekend vacations to Las Vegas. They had nicknames for each other which, through Bailiff Jerry Cunningham, became known to the judge and the attorneys. The jury began with twelve jurors and nine alternates. By the time verdicts were all entered, only two alternates remained.

Ultimately, the jury necessarily concluded that two men had killed the victims, and also that Buono and Bianchi were the two Hillside Stranglers. The trial had a short penalty phase but the jurors needed little time to agree that Buono would not receive the death penalty. Chaleff viewed that result as a belated dose of post-conviction reasonable doubt. I saw it as recognition that Bianchi's veiled testimony did not allow them to easily apportion responsibility between Buono and Bianchi. Thus, Buono received a lifetime prison sentence just as Bianchi did.<sup>14</sup> Currently, Bianchi is in the Washington State Prison in Walla Walla, Washington, and Buono resides in Calipatria State Prison in Calipatria, California.

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14. Actually, Bianchi received life sentences both in Washington and in California but is presently eligible for parole in each state. Buono's life sentence is without the possibility of parole. It is doubtful that there is a practical difference between the sentences.